THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.9307 OF 2006

DATED: 29-03-2007

Between:

Sri Khaled Bin Sayeed @ Ahmad

. . .Petitioner

and

The State of AP through
Secretary, Home Department, Hyderabad and others

. . .Respondents

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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O R D E R:

It is the case of the petitioner that he was an accused in P.R.C.No.5 of 1985 on the file of VIII Additional Chief Metropolitan Magistrate, City Criminal Courts, Hyderabad and that even though he was acquitted through judgment, dated 02.03.1987, passed in S.C.No.56 of 1985 by the learned II Additional Metropolitan Sessions Judge, City Criminal Court, Hyderabad, non-bailable warrant was issued against him by the learned VIII Additional Chief Metropolitan Magistrate, Hyderabad, without any jurisdiction or whatsoever and in execution of the said warrant, respondent Nos.2 to 4 misbehaved with his wife and are taking coercive steps, which are illegal and arbitrary.

Respondent Nos.3 and 4 filed counter affidavit stating that the non-bailable warrant was issued against the petitioner by the learned VIII Additional Chief Metropolitan Magistrate, Hyderabad, is due to oversight only and, therefore, the same was returned on 05.05.2006 without execution.

Even though the accused has been acquitted through judgment, dated 02.03.1987, passed by the learned II Additional Metropolitan Sessions Judge, City Criminal Court, Hyderabad, in S.C.No.56 of 1985, and though the non-bailable warrant was issued by the learned VIII Additional Chief Metropolitan Magistrate, Hyderabad due to

oversight, attempt to execute the same by the respondents high-handedly is illegal, as it caused mental and physical agony to the petitioner.

Having regard to the said fact, the writ petition is allowed with costs of Rs.3,000/-. It is open for the respondents to fix up the liability for payment of said costs to the petitioner on the concerned officers.

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V.ESWARAIAH, J

29th MARCH, 2007.

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